

REMARKS

The applicant respectfully requests reconsideration in view of the amendment and the following remarks.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio et al. (JP 02142495) ("Nishio") further in view of Liu et al (Chirality 2000, 12, 26-29) ("Liu"). The applicant respectfully traverses these rejections.

It is noted that Liu is cited in the first paragraph of the applicant's specification. The claimed invention deals with an advantageous process by a combination of four different steps. Again, this is mentioned in the specification page 1, line 35 to page 2, line 3 together with Fig. 1. The Examiner has stated at page 3 of the office action, that Nishio does not teach the resolution of compound B of the claims. Nishio also does not teach the conversion of B to C or C to D and relies upon the teaching of Liu for this.

Furthermore, Nishio does not appear to teach compound 3. Therefore, it does not appear that step (i) is taught by Nishio. With respect to step (ii), Nishio requires Et₂O and this is not required or excluded from the claimed invention. Nishio uses Na₂CO₃ after separation instead of MeNH₂ as the applicant's claim (see step iv).

Liu has to do a flash chromatography process in order to purify the alcohol after the reduction of the ketone (see Liu page 27, first column, 3rd paragraph).

There is no hint in Liu alone or in combination with Nishio that the specific combinations of the process as claimed will lead to a more economic process (see page 1, lines 16-18 of the applicant's specification). For the above reasons, this rejection should be withdrawn.

Furthermore, claim 6 requires hydrocarbon as a solvent in step (ii) and Nishio uses Et₂O as a solvent. Nishio teaches away from claim 6.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00315-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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